

Message Text

CONFIDENTIAL

PAGE 01 TEHRAN 03306 140828 Z

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ACTION NEA-12

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FM AMEMBASSY TEHRAN

TO SECSTATE WASHDC 2266

C O N F I D E N T I A L TEHRAN 3306

NEA/ IRN FOR MIKLOS

E. O. 11652: GDS

TAGS: PINS, IR

SUBJECT: IRANIAN LAWS ON SUBVERSIVE ACTIVITIES ABROAD

SUMMARY: INCLUDED ARE IRANIAN LAWS, UNNECESSARY WORDS REMOVED,
PERTAINING TO THE COMMISSION OF SUBVERSIVE ACTS ABROAD. END
SUMMARY

1. THE FOLLOWING IS FREE TRANSLATION FROM IRANIAN PENAL CODE
DEALING WITH CRIMES AND OFFENSES AGAINST THE PUBLIC INTEREST.
IT OUR UNDERSTANDING THAT THIS PORTION OF THE LAW HAS BEEN
RESCINDED AND RECONSTITUTED WITH STIFFER PENALTIES UNDER
MILITARY LAW. WE EXPECT TO RECEIVE COPY OF RELEVANT PORTIONS
OF MILITARY LAW SHORTLY AND TRANSMIT FOLLOWING TO GIVE YOU
AN IDEA OF WHAT YOU ARE WORKING WITH. END CONFIDENTIAL

BEGIN UNCLASSIFIED

2. QTE I. CRIMES AND OFFENSES AGAINST THE SECURITY OF THE
COUNTRY

A. EXTERNAL SECURITY

ARTICLE 60

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 TEHRAN 03306 140828 Z

SECTION 1. THOSE COMMITTING ANY ONE OF THE FOLLOWING
CRIMES WILL BE SENTENCED TO SOLITARY IMPRISONMENT FROM
THREE TO TEN YEARS:

1. ANYONE WHO FORMS OR LEADS A GROUP OR SOCIETY OR
BRANCH THEREOF IN IRAN THE CREED OR LINE FOLLOWED BY WHICH
IS COMMUNISTIC OR AGAINST THE CONSTITUTIONAL MONARCHY
OF IRAN, OR BECOMES A MEMBER OF A GROUP OR SOCIETY OR BRANCH
THEREOF FOLLOWING THE ABOVE CREEDS OR LINES.

2. ANY IRANIAN WHO IS A MEMBER OF A GROUP OR SOCIETY
OR BRANCH THEREOF FOLLOWING A LINE OR CREED WHICH IS COMMUNISTIC OR
AGAINST THE CONSTITUTIONAL MONARCHY OF IRAN, EVEN THROUGH
THE GROUP OR SOCIETY OR BRANCH THEREOF IS FORMED OUTSIDE
IRAN.

SECTION 2. ANYONE WHO ACTS IN ANY WAY WHATSOEVER TO
SEVER PART OF IRAN THEREFROM OR TO DAMAGE ITS INTEGRITY
OR SOVEREIGNTY, WILL BE SENTENCED TO LIFE IMPRISONMENT.

SECTION 3. ANYONE RISING IN ARMS AGAINST THE GOVERNMENT
OF IRAN WHETHER IN COMPLICITY WITH FOREIGNERS OR INDEPENDENTLY,
WILL BE CONDEMNED TO DEATH.

SECTION 4. ANYONE WHO IS A MEMBER OF A GROUP OR SOCIETY
OR BRANCH THEREOF FORMED FOR THE PURPOSE OF COMMITTING ANY ONE
OF THE CRIMES CITED IN THE PREVIOUS ARTICLES, AND PRIOR
TO BEING PROSECUTED BY GOVERNMENT OFFICIALS, DIVULGES TO
THE GOVERNMENT OR ITS OFFICIALS THE INTENTION OF THE
CRIME AND THE NAMES OF THE MEMBERS OF THE GROUP, WILL
BE EXEMPTED FROM PUNISHMENT. NOTE -- GROUP OR SOCIETY
IN THIS LAW IMPLIES TWO OR MORE PERSONS.

SECTION 5. ANYONE ENGAGING IN PROPAGANDA IN IRAN IN
FAVOR OF ANY ONE OF THE CRIMES OR CRIMINALS CITED IN ARTICLES
1, 2 AND 3, AND ANY IRANIAN WHO ENGAGES IN PROPAGANDA
ABROAD AGAINST THE CONSTITUTIONAL MONARCHY OF IRAN OR IN
FAVOR OF ANY ONE OF THE CRIMES OR CRIMINALS CITED IN THE
ABOVE ARTICLES, WILL BE SENTENCED TO CORRECTIONAL IMPRISON-
MENT FROM ONE TO THREE YEARS.

CONFIDENTIAL

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PAGE 03 TEHRAN 03306 140828 Z

SECTION 6. PERSONS COMMITTING THE CRIMES CITED IN
ARTICLES 1 AND 3 OUTSIDE IRAN AND IRANIANS CITED IN THE LAST
PORTION OF ARTICLE 5, WILL BE PROSECUTED AND PENALIZED
AFTER ENTERING IRAN. UNQTE. END UNCLASSIFIED

BEGIN CONFIDENTIAL

3. DEPENDING ON MR. TAHERI'S ACTIVITIES, FOLLOWING ARTICLE
70 OF PENAL CODE, WHICH IS IN FORCE, MAY ALSO APPLY. END CONFIDENTIAL

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QTE ARTICLE 70

ANYONE WHO INSTIGATES THE PEOPLE TO BATTLE OR FIGHT ONE
ANOTHER RESULTING IN DEATHS, WILL BE CONDEMNED TO DEATH,
AND SHOULD SUCH INSTIGATIONS RESULT ONLY IN PLUNDER AND
LOOTING, THE PENALTY THEREFOR WILL BE PRISON AT HARD LABOR
FROM THREE TO FIVE YEARS, AND IF THE INSTIGATION SHOULD
HAVE FALLEN SHORT OF ANY EFFECT, THE PENALTY WILL BE BANISH-
MENT. THE PENALTY OF A PERSON WHO LEADS OR MANAGES A GROUP
OR BAND COMMITTING THE CRIMES CITED IN THIS ARTICLE AND
THE PRECEDING ARTICLE WILL BE THE SAME AS THE PENALTY FOR
INSTIGATION.

COMMENT: BANISHMENT CAN TAKE TWO FORMS UNDER IRANIAN LAW.
ONE IS EXILE OF OFFENDER FROM IRANIAN SOIL BUT THIS IS
RARELY USED. MORE PREVALENT VERSION IS TRANSPORT FROM ONE
PROVINCE OF IRAN TO ANOTHER CLIMATICALLY, ECONOMICALLY AND
CULTURALLY DIFFERENT PROVINCE. BANISHED OFFENDER REMAINS
IN PRESCRIBED AREA FOR SET PERIOD UNDER A SORT OF EXPANDED
HOUSE ARREST. SOME OF HIS PROPERTIES MAY BE CONFISCATED
AND HIS CONTACTS AND BUSINESS ACTIVITIES ARE CLOSELY CIRCUMSCRIBED.
TO ASSURE CONSTANT PRESENCE IN AREA OF EXILE, OFFENDER MUST
REPORT TWICE DAILY TO DESIGNATED
POLICE STATION.
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